

**BOARD OF DIRECTORS – ACTION SUMMARY**  
**Thursday, July 24, 2008 – 6:00 p.m.**

**Administration Building – Board Chambers**  
**2101 Hurley Way, Sacramento, CA 95825**

**CALL TO ORDER**

The meeting was called to order by President Trujillo. Board Members present: Clark, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley. Director Engellenner, absent. Staff: Fire Chief Mette, Board Clerk Tilson, General Counsel Margarita.

**PLEDGE TO FLAG**

**METRO CABLE 14 ANNOUNCEMENT**

The open session Meeting is videotaped for cablecast on Metro Cable 14. Replay on Saturday, July 26 at 1:00 PM and Monday, July 28 at 6:00 PM on Channel 14; Webcast at [www.sacmetro cable.tv](http://www.sacmetro cable.tv). A VHS copy is also available for checkout from any library branch.

**PUBLIC OPPORTUNITY TO DISCUSS MATTERS OF PUBLIC INTEREST WITHIN  
DISTRICT JURISDICTION INCLUDING ITEMS ON OR NOT ON THE AGENDA**

**Medical Aid Billing Complaint**

Bernard Marks, 9025 Talisman Drive, Sacramento, stated he appeared at a previous meeting regarding a billing complaint against American Medical Response (AMR). He declined an offer to listen to the tape of his conversation with AMR and asked that the Board still consider some safety criteria be established when AMR's contract comes up next year to alleviate the problems he encountered. He thanked Jennifer Bales of AMR for discussing the matter with him at his home.

Jennifer Bales, Sacramento Operations Manager for AMR, thanked the Board for the opportunity to respond to Mr. Marks' complaint. She stated AMR did make a mistake on his billing but it has been resolved and publicly apologized for the frustration he experienced during the billing process. AMR has some strict billing procedures and customer service is a priority and she would be happy to sit down at a later time and share information on their policies and procedures.

Director Goold stated he listened to the tape and encouraged other Board members to do so before seriously looking at the contract with AMR and felt this complaint was not justified. The AMR employee who took Mr. Marks' call was incredibly patient and the organization rectified the situation.

President Trujillo stated there appears to be no issue according to Director Goold. Thanked both Mr. Marks and Ms. Bales for attending.

**CONSENT AGENDA:****1. Board Meeting Action Summary—July 10, 2008**

- **Board Action:**  
*Goold/Granados—approve the Consent Agenda. ROLL CALL: Clark, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Engellenner, absent. Motion carried.*

**ACTION ITEM(S):****1. Cost Recovery Policy—(Chavez)**

- Associate General Counsel Chavez stated the Policy Committee at its last meeting voted unanimously to move this policy to the full Board for action and concluded that the original standard of “negligence” should remain in the proposed policy because it is the standard that comports with current California State law.
- Various laws in the State of California were cited that allow for cost recovery if shown that the conduct was negligent, as defined in the Policy. The purpose and scope of this policy is to allow the District to sue in civil court in order to recover its cost associated with responding to major incidents caused by either negligence or a violation of the law based on a case-by-case analysis of whether or not the action would be cost effective.
- The Policy defines the legal concepts of negligence, gross negligence, intentional conduct, or criminal conduct to clarify what type of activity must occur for the District to attempt to recover its cost associated with responding to an incident.
- The step-by-step procedures were outlined in the event the Policy is implemented, along with the legal references and citations allowing the policy to exist.
- Considerable discussion included pros and cons for the policy. Directors Granados, Jones, and Valley had no problem from a legal standpoint but felt the District was sending the wrong message to the community because the terms of the cost recovery policy were too broad and should only include the higher standards such as gross negligence, intentional conduct, and criminal conduct as defined and exclude simple “Negligence.”

- **Board Action:**  
*Lawson/Goold—motion to end debate. ROLL CALL: Clark, Goold, Granados, Jones, Kelly, Lawson, Trujillo, Valley, AYE. Director Engellenner, absent. Motion carried.*
- **Board Action:**  
*Jones/Valley—drop the reference to “Negligence” in the Policy and have it at a higher standard. ROLL CALL: Directors Granados, Jones, Valley. AYE. Directors Clark, Goold, Kelly, Lawson, Trujillo, NO. Director Engellenner, absent. Motion failed by a 3-5 vote.*
- **Board Action:**  
*Goold/Clark—adopt the policy as presented. ROLL CALL: Directors Clark, Goold, Kelly, Lawson, Trujillo, AYE. Directors Granados, Jones, Valley, NO. Director Engellenner, absent. Motion carried by a 5-3 vote.*

## **PUBLIC COMMENT:**

### **Proposed Training Facility**

Pat Monahan, Sacramento Fire Fighters Local 522, recognized the importance of training our firefighters but we are in extreme hardships. Two letters were delivered from the District with a request to meet and confer to reopen their contract due to economic problems. The concept of the Training Center is supported but it is quite some time down the road because of significant financial issues to address. It can become a reality but not off the backs of the members.

## **PRESENTATION ITEMS(S):**

### **1. Presentation of Old Fire Station 111 Plaque by Rio Linda-Elverta Historical Society—(Roger Mitchell)**

- Roger Mitchell addressed the Board representing the three organizations of Rio Linda-Elverta Recreation & Park District, Rio Linda-Elverta Lions Club, and the Rio Linda-Elverta Chamber of Commerce that stepped forward at the dedication of the new fire station.

Members of the three organizations presented Board President Trujillo and Fire Chief Mette with the old Fire Station 111 bronze dedication plaque mounted on a wooden frame built by the Rio Linda High School metal and wood shop containing a brief history of the station.

The plaque was presented to Captain Mike Haury for placement in the community room at Station 111, with plans for a display case to be presented to the District in the near future.

## 2. Strategic Business Plan for Proposed Training Facility—(Tommy Abercrombie)

- Fire Chief Mette stated the District purchased 53 acres on Zinfandel Drive in Rancho Cordova over one year ago and came back to the Board with a bid award for a Strategic Plan. The consultants, Dan Dameron of MFDB Architects, Inc. and Tommie Abercrombie of Abercrombie Planning+Design, were present with the final plan.

He acknowledged the District Committee members present that assisted the consultants: Battalion Chiefs Walt White, Monty Ernst, and Jeff Metzinger, Deputy Chief Geoff Miller, Finance Director Bill Sponable.

- Mr. Abercrombie gave a PowerPoint presentation based on the 87-page Sacramento Metropolitan Fire District Fire Training Center Strategic Plan distributed for review, representing the concept and vision of the group for the proposed Fire Training Center.

The scope of the Business Plan included, among other things:

- Needs Assessment
- Facility Assessment
- Operations Plan Financial Assessment
- Cost Benefit Analysis
- Site Requirements and Layout
- Funding Strategy

The total Phase I Development cost was \$37,117,238 with a breakdown of the various elements.

- The Board members supported the concept and vision but acknowledged a need to continue to look for outside funding to move forward.

## 3. National Fire Protection Association (NFPA) Grant—(Eastman)

Moved to the next Board meeting.

**PRESIDENT'S REPORT—(Trujillo)** None**FIRE CHIEF'S REPORT—(Fire Chief Mette)**

- July 26, 2008, 10 AM–1 PM – Metro Fire Camp Family Day @ McClellan, Building 686.
- Proposition 1A – copies of letters to the legislative representatives were distributed to the Board. Suspension of Proposition 1A would be devastating. The State could borrow 8% of all taxes received by all jurisdictions within a County. He has been in contact with Ralph Heim on this issue. Hopefully this does not happen. A Director suggested a letter with signatures of all the Board members be sent.

General consensus by the Board to direct the Board Clerk to proceed with the letter.

- August 3 through 9 – Fire Camp. Metro will assist in shuttling kids to South Lake Tahoe.
- August 13 through 15 – Attending the International Association of Fire Chiefs Conference in Denver. Deputy Chief Miller will be in charge.
- **OPERATIONS REPORT –**  
Deputy Chief Geoff Miller updated the Board.

**Incident Report –**

Twelve working structure fires since the last Board meeting; 36 grass fires.

**Field Saves –**

Engine 106B delivered a baby boy in the parking lot of Wal Mart across from their station.

Engine and Medic 50 responded to a big rig versus motorcycle accident. The person on the motorcycle was rescued out of the ditch with severe injuries and transported to the hospital.

**Strike Teams –**

All of our strike teams and equipment are back. A few overhead personnel are still out but things have calmed down.

- In response to Director Lawson, Chief Miller stated assistance given to surrounding entities are reciprocal automatic aid responses.

▪ **SUPPORT SERVICES DIVISION REPORT –**

Deputy Chief Jim Eastman updated the Board on the various divisions.

**Special District Risk Management Association (SDRMA)–**

In response to a request by Director Goold, copies of the coverage by SDRMA were distributed to the Board.

**Community Services –**

- Fire Camp – displayed Fire Camp pictures on the NEW District website at [sacmetrofire.ca.gov](http://sacmetrofire.ca.gov).
- Numerous safety presentations, to include Fire Safety to adults for whom English is a second language.

**Project Manager –**

- Station 29 continuing progress.
- Station 68 progress report; August 1 anticipated for occupying.

**Facilities Division –**

- Work continues at the new house for Station 68.
- New janitorial service will begin on August 1.

**Fire Prevention – Fire Marshal Mike Stewart**

- Working with weed abatement.
- Inspections of neighborhood carnivals.
- Several major construction projects in the area.
- Investigations – about 64 incidents for June 10 – July 23.

**Fleet –**

- Personnel did a great job servicing all of our OES and Metro Strike Team vehicles upon their return from various fires.
- Repaired an engine from Burbank Fire that broke down in Sacramento while returning from a strike team.
- Working on the new medics.

**Logistics –**

- Conducting repairs on returned hose that did not pass annual inspection from the stations.
- Wildland sleeve project moving forward.
- Facilitating the annual inspection and cleaning of structure gear.
- Providing Logistic support for Fire Camp.

**Information Technology –**

- Station 68 is about 85% complete.

**GENERAL COUNSEL'S REPORT—(Margarita)**

- Meyers Nave sent a redraft of the Board Policies and Procedures as requested which will be transmitted to the Board for discussion in the future.

**COMMITTEE AND DELEGATE REPORTS:****Executive Committee—(Trujillo)**

- Next Meeting: TBD

**Communications Center Delegate—(Valley)**

- Next Meeting: July 29, 2008 – 10:30 AM

**California Fire & Rescue Training Authority—(Kelly)**

- Reported on the previous meeting.
- Next Meeting: September 10, 2008 – 10:00 AM

**Finance Committee—(Jones)**

- Next Meeting: August 14, 2008 – 5:00 PM

**Policy Committee—(Lawson)**

- Next Meeting: July 24, 2008 – 5:00 PM—Cancelled
- Next Meeting: August 28, 2008 – 5:00 PM

**BOARD MEMBER QUESTIONS AND COMMENTS:****Valley:**

- The Sacramento Bee finally came out and thanked the firefighters.
- Hoped all Board members are very judicious when they look at any policy after approving the cost recovery policy.

**Lawson:**

- Thanked all those that gave reports this evening.
- Thanked the total Board for their discussion and open concerns and support of the cost recovery policy. Thanked General Counsel Margarita and Associate General Counsel Chavez for their work on the policy.

**Jones:**

- Wanted to follow up on what Counsel said regarding concerns and issues on some policy.

General Counsel Margarita stated it is the Policies and Procedures of the Board of Directors, which would be sent out next week with his memorandum highlighting the suggestions and recommendations from Meyers Nave and the General Counsel's office for modifications.

Director Jones recommended a full Board discussion on this issue for the August 14 meeting so direction could be given to the Policy Committee, if needed.

**Goold:**

- This evening he made some comments about AMR and a presentation by a community member. He stated no disrespect was meant but it's important for community members to recognize when they come before this Board and make accusations, make sure the facts are straight because he takes offense when our men and women are called out and it's disrespectful and not truthful.
- On the Training Center vision, he agrees with labor that it shouldn't be off their backs. We need to be very creative to find partnerships and funding because it is a magnificent idea.
- Need to continue to move forward on the mutual aid delegation.
- Time for this Board to call for a strategic planning meeting.
- It's the Board's duty to give the Fire Chief a review.
- Thanked all the men and women who are doing a spectacular job and having an impact on Fire Camp.

**Kelly:**

- Commended Director Lawson for staying with the cost recovery program.
- Reiterated the comments on the Training Center vision. Training for firefighters is a difficult and constant effort. This is a vision the District should focus on.
- National Night Out is Tuesday, August 5. Your local community programs will probably be involved with it. Get out and meet your neighbors.



**Granados:**

- Wished Captain Monahan a Happy Birthday.
- The Training Center is a wonderful vision but right now he is focused on Proposition 1A. Probably should send individual letters to our delegates stating this would be absolutely devastating to an essential service in this economic time of crisis.
- Commended all the staff and people who are working hard even though these are tough times.

**Trujillo:**

- Echoed kudos for the Training Center vision and the staff's hard work.
- Thanked all the Firefighters in Sacramento Metro Fire for the outstanding job they do each day.
- Thanked the Directors for their input tonight.

**RECESS TO CLOSED SESSION 6:05 PM**

[Taken out of order prior to Public Comment]

Directors Trujillo and Granados recused from Closed Session Item No. 1.

**RECONVENE TO OPEN SESSION 7:20 PM****CLOSED SESSION GOVERNMENT CODES:**

Report by Associate General Counsel Chavez:

**1. CONFERENCE WITH LEGAL COUNSEL – EXISTING LITIGATION  
Pursuant to California Government Code Section 54956.9(a)**

Mark Thomsen vs. Sacramento Metropolitan Fire District  
Sacramento County Superior Court Case No. 34-2008-00004079

The Board was briefed. No action was taken; however, there was a unanimous vote of the Board members present that the taped portion of this Closed Session item be sealed and delivered for safekeeping to the General Counsel.

**2. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION (Salazar)  
Pursuant to California Government Code Section 54956.9(a) – Two Cases**

- A. Teresa Means-Ferguson vs. Sacramento Metropolitan Fire District  
Sacramento County Superior Court Action No. 07AS02810
- B. Irene Yslas vs. Sacramento Metropolitan Fire District  
Sacramento County Superior Court Action No. 07AS02789

The Board was briefed on both matters, with no action taken.

**3. CONFERENCE WITH LEGAL COUNSEL-EXISTING LITIGATION  
Pursuant to California Government Code Section 54956.9(a) – Two (2) Cases**

- A. Ronald Hord v Sacramento Metropolitan Fire District  
Claim #2006049686 and 2006053046

The Board members present unanimously approved the settlement of the Workers' Compensation Claims by Compromise and Release for \$25,000.

- B. Jeffrey Wilde v Sacramento Metropolitan Fire District  
Claim #2004022911

The Board was briefed and voted 6–2 in favor of the Workers' Compensation claim settlement by Stipulated Award in the amount of \$10,050.

**4. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION  
Pursuant to California Government Code Section 54956.9(b)(1) – One (1) Case**

The Board was briefed and there was a general consensus to send the potential litigant a letter rejecting the claim.

**ADJOURNMENT** – The meeting adjourned at 10:10 p.m.

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Ray Trujillo, President

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Gregory A. Granados, Secretary

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Charlotte Tilson, Clerk of the Board